

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

MICHAEL PITTAS,

CIVIL DIVISION

Plaintiff,

GD 17 - 009069

vs.

**PETER HODGE TRANSPORT, LTD. and
MATTHEW LEGAULT,**

Defendants.

COMPLAINT

1. Plaintiff, Michael Pittas, is an adult individual resident of Allegheny County, Pennsylvania.

2. Defendant, Peter Hodge Transport, Ltd., is upon information and belief, a Canadian entity with its principal place of business at 100 Market Drive, Milton, Ontario, Canada L9T345.

3. Defendant, Matthew Legault, is upon information and belief, an adult individual who was at all relevant times the duly constituted and authorized agent, servant, and/or employee of Defendant, Peter Hodge Transport, Ltd., who lives at 155 Tyler Avenue, Acton, Ontario, Canada L7J1Vw.

4. Defendant Peter Hodge Transport, Ltd. transacts business in the Commonwealth of Pennsylvania, including, but not necessarily limited to the shipping of merchandise directly or indirectly into or through the Commonwealth, which constitutes a single act or series of similar acts under 42 Pa. C.S. § 5322.

5. State Route 51/Clairton Boulevard is a public thoroughfare in Jefferson Hills Borough, Allegheny County, Pennsylvania running generally in a Northerly and Southerly direction.

6. On or about Tuesday, April 12, 2016 at approximately 10:05 a.m., Plaintiff, Michael Pittas, was operating his motor vehicle traveling Northbound on State Route 51, in the left lane, when the Defendant, Matthew Legault, while operating a tractor-trailer owned by Peter Hodge Transport, Ltd., was also traveling Northbound on State Route 51, when he moved from the left lane to the right lane to make a wide left turn on the ramp onto State Route 51 South, when he turned back into the left lane and into Plaintiff's vehicle. Plaintiff was unable to move from the left lane or stop, and his vehicle was dragged by the Defendant's vehicle onto the ramp, striking the left guide rail and cement barrier, causing Plaintiff to sustain severe and serious injuries more fully described herein.

7. The ramp that Defendant turned onto was clearly marked "no vehicles over 40 feet".

COUNT I

MICHAEL PITTAS v. MATTHEW LEGAULT

Plaintiff, Matthew Pittas, incorporates by reference hereto, Paragraphs 1 through 7 of the Complaint as though fully set forth herein and further avers that:

8. The injuries and damages hereinafter set forth were caused solely by and were the direct and proximate result of the negligent, reckless, and wanton misconduct of the Defendant in any or all of the following respects:

- (a) in operating the vehicle at a high, dangerous, and reckless speed under the circumstances;
- (b) in failing to have the vehicle under proper control;

- (c) in that the driver was inattentive and failed to maintain a reasonable lookout of the road and the surrounding traffic conditions;
- (d) in failing to exercise reasonable care and caution as was required under the circumstances;
- (e) in violating various statutes and municipal ordinances pertaining to the operation of motor vehicles on public thoroughfares in the Commonwealth, including but not limited to the statutory provisions relative to 75 Pa. C.S. §3714 Careless Driving; and 75 Pa. C.S. §3736 Reckless Driving; 75 Pa. C.S. §3361 Driving Vehicle at Safe Speed; 75 Pa. C.S. §3331 Required Position and Method of Turning; and 42 Pa. C.S. §4902 (b) Restrictions Based on Traffic Conditions;
- (f) in that the driver was not in a proper physical condition to drive the vehicle; and
- (g) in failing to maintain a reasonable lookout for the presence of other motor vehicles on the road.

9. Solely as the result of the negligence of the Defendant as hereinabove set forth, Plaintiff sustained injuries, which are or may be of a serious and permanent nature, including injuries to the bones, muscles, tissues, and ligaments of his arms, legs, head, neck, back, and spine generally, shock and injury to his nerves and nervous system; and other severe and serious injuries.

10. As a further direct and proximate result of the foregoing described collision and Defendants' negligence as set forth above, Plaintiff has suffered the following damages:

- (a) past, present, and future physical and mental pain, suffering, and inconvenience with respect to the above injuries;
- (b) past, present, and future lost earnings and lost earning capacity;
- (c) past, present, and future medical expenses;

- (d) diminished life expectancy and loss of the pleasures and enjoyment of life;
- (e) loss of the feeling of well being;
- (f) disfigurement and scarring;
- (g) worry, anxiety, apprehension, and frustration;
- (h) emotional upset; and
- (i) severe limitation of activities.

11. As a result of Defendant's conduct as aforesaid, Plaintiff sustained property damage.

12. Plaintiff is entitled to pursue an action for non-economic damages in the captioned action by virtue of election of the full tort option pursuant to the provision of the Pennsylvania Motor Vehicle Financial Responsibility Law, or in the alternative, Plaintiff under the circumstances of this action falls within an exception of the rule barring recovery for non-economic damages in the event Plaintiff has elected the limited tort option pursuant to the terms of the foregoing statute.

WHEREFORE, Plaintiff, Michael Pittas, brings this suit against Defendant, Matthew Legault, to recover compensatory damages in an amount in excess of the jurisdiction of the Board of Arbitrators of this Court.

COUNT II

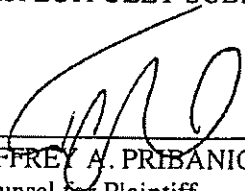
MICHAEL PITTAS v. PETER HODGE TRANSPORT, LTD.

Plaintiff, Michael Pittas, incorporates by reference hereto Paragraphs 1 through 12 of the Complaint as though fully set forth herein and further avers that:

13. As a direct result of the conduct of Defendant Matthew Legault, Defendant Peter Hodge Transport, Ltd.'s agent, as described in Count I hereof, Plaintiff has suffered the injuries and damages described therein.

WHEREFORE, Plaintiff, Michael Pittas, brings this suit against Defendant, Peter Hodge Transport, Ltd., to recover compensatory damages in an amount in excess of the jurisdiction of the Board of Arbitrators of this Court.

RESPECTFULLY SUBMITTED,



JEFFREY A. PRIBANIC
Counsel for Plaintiff

JURY TRIAL DEMANDED

VERIFICATION TO COMPLAINT

Plaintiff verifies that he is the Plaintiff in the foregoing action; that the foregoing Complaint is based upon information that he has furnished to his counsel and information that has been gathered by his counsel in the preparation of the lawsuit. The language of the Complaint is that of counsel and not of the Plaintiff. Plaintiff has read the Complaint and to the extent that the Complaint is based upon information that he has given to his counsel, it is true and correct to the best of his knowledge, information and belief. To the extent that the content of the Complaint is that of counsel, he has relied upon counsel in making this Affidavit. Plaintiff understands that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

6/19/2017
Date

Michael Pittas
MICHAEL PITTAS

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MICHAEL PITTAS

Plaintiff,

v.

PETER HODGE TRANSPORT, LTD. and
MATTHEW LEGAULT

Defendants.

CIVIL DIVISION

G. D. No. 17-009069

PRAECIPE FOR APPEARANCE

Filed on behalf of Defendants,
PETER HODGE TRANSPORT, LTD. and
MATTHEWS LEGAULT

Counsel of record for this party:

Joseph L. Luvara, Esq.
PA I.D.# 46438

Dickie, McCamey & Chilcote, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

MICHAEL PITTAS

CIVIL DIVISION

Plaintiff,

G. D. No. 17-009069

v.

PETER HODGE TRANSPORT, LTD. and
MATTHEW LEGAULT

Defendants.

PRAECIPE FOR APPEARANCE

To: Department of Court Records:

Please enter our appearance on behalf of Defendants PETER HODGE TRANSPORT,
LTD. and MATTHEW LEGAULT, in the above-captioned action.

JURY TRIAL DEMANDED

Respectfully submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

By: Joseph L. Luvara

Joseph L. Luvara, Esq.

PA I.D.# 46438

Two PPG Place

Pittsburgh, PA 15222-5402

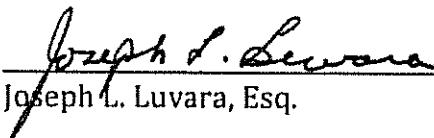
(412) 281-7272

Counsel for Defendants

CERTIFICATE OF SERVICE

I Joseph L. Luvara, Esq., Esquire, hereby certify that a true and accurate copy of the foregoing Praecipe for Appearance was served this 13th day of July, 2017, via First Class U.S. Mail, postage prepaid, upon the following:

Jeffrey A. Pribanic, Esq.
PRIBANIC & PRIBANIC, L.L.C.
1735 Lincoln Way
White Oak, PA 15131



Joseph L. Luvara, Esq.